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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,139	01/12/2005	Sarah Gredley	006329.00005	2752
22910	7590	07/07/2010		EXAMINER
BANNER & WITCOFF, LTD. 28 STATE STREET SUITE 1800 BOSTON, MA 02109-1701			DAVIS, CASSANDRA HOPE	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/521,139	Applicant(s) GREDLEY, SARAH
	Examiner Cassandra Davis	Art Unit 3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 March 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 January 2010 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/GS-68)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
 6) Other: _____

DETAILED ACTION

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The

abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it contains legal phrase "packaging means". Correction is required. See MPEP § 608.01(b).

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the packaging means as described in claims 17-20 and the hole/hanging means in one of the framing portions for hanging the picture frame as described in claim 10 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

4. The drawings are objected to under 37 CFR 1.83(a) because they fail to show packaging means and the hole/hanging means in one of the framing portions for hanging the picture frame as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure

is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 17-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The applicant does not adequately describe and/or show in the drawings how the packaging. It is unclear how the packaging means interconnects with the frame portion. It is unclear how the packaging means is adapted to having a first portion which is freely moved from a substantially flat conformation to other conformations and a second portion which is formed into a package as described on page 4, lines 26-28 and

page 5, lines 1-2. It is unclear how the packaging means is secured in a second position by a securing means as described on page 5, lines 4-6. In addition, it is unclear how the packaging formed is tubular and how the package is preferably releasably or permanently secured to the framing portion.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claim 24 does not adequately describe the structure of the invention. The phrase "attaching one or more framing portion as described above" is indefinite because it is unclear what structure correspond to the "framing portion as described above". The applicant does not refer to any particular previously recited claim.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-9, 11-16 and 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Fisher, US Patent 796,310.
12. With respect to claim 1, Fisher teaches an apparatus for framing pictures which comprises plurality of framing portions (2, 10), wherein framing portion is made from a

flexible material such as paper. The framing portions have a first, unsecured ("retaining fold 8" and "retaining side fold 16" which it can be freely moved from a substantially flat configuration seen in figure 1 to three dimensional configuration seen in figure 2. The framing portion also has a second, secured "outer end fold 6" and "outer side end fold 14" secured the body portion 1.

13. With respect to claim 2, Fisher teaches four framing portions.
14. With respect to claim 3-8, 15, 21, Fisher teaches a picture (not shown) can be secured to the body portion 1 such that the framing portions are placed along the edges of the picture or the picture can be printed upon the body portion 1.
15. With respect to claims 11-14, Fisher teaches that the retaining fold 8 of the framing portion insertable into slot 20 of the body portion to retain the framing portion 2 in a three-dimensional configuration as seen in figure 2. In addition, Fisher teaches the portion of fold 16 between the slits 17 are insertable into slot 21 to retain the framing portion 10 in a three-dimensional configuration.
16. With respect to claim 16, Fisher teaches body portion 1 which correspond to the claimed backing portion.
17. With respect to claim 22-23, Fisher teaches the framing portions 2 and 10 in the second position provide a three-dimensional frame boarder for the displayed picture.
18. With respect to claim 24, Fisher teaches picture frame comprising a body portion with a picture either attached to or printed thereon and framing portion permanently or removably attached to the edges of the body portion. The method limitations are inherent by the structure taught by Fisher.

19. Claims 1-8, 15, 17-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Karr, US Patent 1426649.
20. Karr teaches a combination folder and picture frame. The picture frame comprises plurality of framing portions which includes flap *a* and portions define between inner edge 17-20 and outer rim 22-24, wherein the framing portion is made from a flexible material such as paper. The framing portions have a first, unsecured flap portion *a* which it can be freely moved from a substantially flat configuration seen in figure 5 to three dimensional configuration seen in figures 9-11. The framing portion also has a second, secured portion at fold line 25 secured the blank.
21. With respect to claim 2, Karr teaches four framing portions surrounding the picture *P*.
22. With respect to claim 3-8, 15, 21, Karr teaches a picture *P* is secured to the blank such that the framing portions are placed along the edges of the picture. See figures 9-11.
23. With respect to claims 17-20, Karr teaches a combination folder and picture frame, wherein the folder corresponds to the claimed packaging means. The folder taught by Karr has flaps 5, 6, and 8 which are movable between a flat configuration seen in figure 4 to a three-dimensional configuration seen in figures 1 and 2. In the three-dimensional configuration the folder is held together using sticker 10.
24. Claims 1-16 and 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Roach, US Patent 2408532.

25. With respect to claim 1, Roach teaches an apparatus for framing pictures which comprises plurality of framing portions 13, wherein framing portion is made from a flexible material such as cardboard. The framing portions 13 have a first, unsecured portion 17 which it can be freely moved from a substantially flat configuration seen in figure 6 to three dimensional configuration seen in figures 1-3 and 7. The framing portions also have a second, secured portion 18 secured the body portion 12.

26. With respect to claim 2, Roach teaches four framing portions.

27. With respect to claim 3-8, 15, 21, Roach teaches a picture 26 can be secured to the body portion 12 such that the framing portions are placed along the edges of the picture.

28. With respect to claim 9, Roach teaches an end portion 23 of one framing portions meets and adjacent end portion of an adjacent framing portion. See figure 6.

29. With respect to claim 10, Roach teaches a hanging means in the form of a cord and apertures in the top framing portion for hanging the frame. See figure 1.

30. With respect to claims 11-14, Roach teaches that the framing portion 13 includes tabs/flap 24 insertable into slots 25 to retain the framing portion 13 in a three-dimensional configuration.

31. With respect to claim 16, Roach teaches body portion 12 which correspond to the claimed backing portion.

32. With respect to claim 22-23, Roach teaches the framing portions 13 in the second position provide a three-dimensional frame boarder for the displayed picture.

33. With respect to claim 24, Roach teaches picture frame comprising a body portion with a picture attached thereto and framing portion located along the edges thereof. The method limitations are inherent by the structure taught by Roach.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cassandra Davis/
Primary Examiner
Art Unit 3611

CD